

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OMAR LOPEZ-RIVERA,

Defendant.

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Case No. 8:06CR249

ORDER

This matter is before the court on the defendant's Motion for Pretrial Release [14]. The motion is denied.

While the defendant has produced documents he represents as identifying, a Pretrial Services records check of the Bureau of Immigration and Customs Enforcement Law Enforcement Support Center (LESC) was unable to match the defendant's alleged proper true name and date of birth with the database. Thus, the defendant is unable to prove that he is residing in the United States legally. I remain concerned as to the true identity of the defendant. This is especially true given the defendant's original assertion that he was Omar Rodriguez-Rivera.

Additionally, the defendant's new information fails to rebut the presumption of detention under 18 U.S.C. § 3142(e), I find that the defendant should remain committed.

IT IS ORDERED:

1. Defendant's Motion for Pretrial Release [14] is denied without hearing as he has failed to overcome the presumption of detention and the court's concerns as set out in the August 10, 2006 Order of Detention [13].

Dated this 23rd day of August 2006.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge